

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

JUSTIN FASSNACHT

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendants.

Civil Action No.: 5:21-cv-269-JLS

**DEFENDANT HOME DEPOT U.S.A., INC.'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT IN PART**

Defendant Home Depot U.S.A., Inc. ("Home Depot"), by its undersigned counsel, respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss Plaintiff's Complaint, in part, for failure to state a claim upon which relief can be granted. The grounds in support of this Motion are fully set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, Home Depot respectfully requests that this Court dismiss Count Two of Plaintiff's Complaint with prejudice.

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

Dated: January 27, 2021

s/ Clara H. Rho

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